

INTRODUCTION

Defendants request the Court enter its standard Confidentiality and Protective Order given the confidential nature of documents potentially responsive to Plaintiff's latest discovery requests. Further, depositions are set to begin in short order, where additional confidential information may be elicited from deponents. A protective order is necessary to maintain the confidential nature of these documents and anticipated testimony.

BACKGROUND

Plaintiff Richard Lowery, a tenured professor in the McCombs School of Business at the University of Texas at Austin, sued the University in February 2023. Lowery alleges that his First Amendment rights have been "chilled" since August 2022.

To date, Plaintiff has propounded four separate sets of discovery requests. In reviewing potentially responsive documents, Defendants have realized the existence of responsive documents which are confidential in nature. For example, many of Plaintiff's document requests inquire about non-party personnel matters. While Defendants ultimately believe these document requests are irrelevant, Defendants require a protective order should production be required. Moreover, the first deposition is scheduled to occur on January 12, 2024. Should any confidential testimony be elicited, Defendants need the capability to designate said testimony as such and maintain its confidential nature.

ARGUMENT AND AUTHORITIES

Federal Rule of Civil Procedure 26(c)(1) and Local Rule CV-26(c) allow a party to seek entry of a protective order. The Court may enter such a protective order to protect "confidential, sensitive, or private information" from public disclosure and "from use for any purpose other than prosecuting this litigation[.]" *E.g. Angus v. Mayorkas*, No. 1:20-CV-00242-LY-SH, Dkt. 52 (W.D. Tex. Nov. 17, 2021).

Defendants anticipate that the discovery sought will include “confidential, sensitive, and private information” requiring protection. As such, the Court should issue its standard Confidentiality and Protective Order without alteration, attached here as Exhibit A, for this cause.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court grant this Motion and enter the Confidentiality and Protective Order.

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2024, I caused a copy of the foregoing pleading to be served upon counsel of record for all parties via the Court's ECF system.

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